

Baker Lawyers Deluge Court With Many Pretrial Motions

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Lawyers for Robert G. (Bobby) Baker deluged Federal Judge Oliver Gasch with pretrial motions yesterday.

They asked that FBI Director J. Edgar Hoover and other Government agents be produced as witnesses before the Baker case goes to trial. They asked that the Justice Department be instructed to turn over for inspection secret tape recordings of Baker conversations that were made by a Government informant.

They moved for the dismissal of seven of the nine counts on which Baker was indicted, requested access to Federal grand jury minutes, and argued that Baker's right to an "unbiased" judgment by the grand jury had been impaired by "venomous, deleterious invective" published by

newspapers in the Washington area.

Each of the defense motions was resisted by the Government, and rulings were withheld by Judge Gasch.

Hoover's presence as a pretrial witness is essential, said Edward Bennett Williams, chief counsel for Baker, to reveal whether all of the Baker conversations monitored by the FBI from 1962 to 1964 have been supplied to the defense and to the court.

Thus far, the FBI has turned over transcripts of 22 "bugged" conversations in which Baker was a participant. It is Baker's argument that the FBI's bugging activities violated his rights and invalidated his indictment.

Violation Conceded

The Justice Department concedes that the FBI violated Baker's rights under the Fourth Amendment but denies that the recordings in question were related in any way to his indictment in January for fraud, theft, income tax evasion and conspiracy.

One recording mystery remains unresolved, however. It involves recordings made by an unknown informant who consented to bug his own conversations with Baker and turn the material over to the Government.

Justice Department Attorney William O. Bittman conceded that such recordings exist and that they may contain evidence that will be used at Baker's trial.

Williams urged the Court yesterday to make this material available to Baker for preparation of his defense. Bittman argued against the motion on grounds that Baker was entitled only to recordings made without his knowl-

edge by Government employees—FBI agents, for example. Recordings made by an unpaid informant, on the other hand, can be withheld by the Government, Bittman said.

Judgment Withheld

Judge Gasch said he was troubled by Bittman's reading of the rules on such matters but withheld judgment.

The other motions made by the defense were highly technical.

Williams argued, for example, that four counts in the indictment were invalid because each of them accused Baker of two separate crimes—theft and failure to report income on his tax return.

The law, said Williams, clearly says that each count in an indictment must state only one crime.

Bittman replied that only one crime was alleged in each count.

The last of the defense motions are to be argued today beginning at 10 a.m.